

## REMARKS

Claims 40 and 42 were rejected under 35 U.S.C. 102(e) on the grounds of anticipation by Carter U.S. Patent No. 5,490,533, issued to the applicant. At column 3, line 65, to column 4, line 37, Carter '533 discloses two first perimeter truss pairs 42 of link members each including a first link member 44, an inner end 48, a longitudinal center 50, and a pivot point 52 spaced apart from the longitudinal center toward the outer end by a predetermined distance  $L_1$ , and a second link 54 having an inner end 58, a longitudinal center 60, and a pivot point 62 spaced apart from the longitudinal center toward the inner end by the same predetermined distance  $L_1$ . Each of the second perimeter truss pairs 64 includes a first link 66 having an inner end 70, a longitudinal center point 72, and a pivot point 74 spaced apart from the longitudinal center point toward the inner end a predetermined distance  $L_2$ , and a second link 76 having an inner end 80, a longitudinal center point 82, and a pivot point 84 spaced apart from the longitudinal center point toward the outer end the predetermined distance  $L_2$ .

The Examiner rearranged the links and asserted that in Carter '533 the links 54 and 66 together form a first link member, the links 44 and 76 form a second link member, and asserted that the second link members (44 and 76) were longer than first link members (54 and 66). However, there is no basis in Carter '533 that the link members (44 and 76) together are any longer than the link members (54 and 66). To the contrary, the passage discussed above clearly explains that it is the offsetting of the pivot points of the pairs

link members that allows the perimeter truss pairs of link members to extend above the legs and above the first pair of link members in an extended configuration.

It is respectfully submitted that Carter '533 does not teach, disclose or suggest an assembly of first and second link members with the second link members having dimensions longer than dimensions of the first link members, such that both the connected inner ends of the pairs of first and second link members extend above the upper ends of the legs when the shelter is in an extended configuration, and that Claims 40 and 42 are novel and inventive over Carter '533. It is therefore respectfully submitted that the rejection of Claims 40 and 42 on the grounds of anticipation by Carter '533 should be withdrawn.

Claims 40-42 were rejected under 35 U.S.C. 102(e) on the grounds of anticipation by Rhee. The Examiner asserted that Rhee discloses a second link member, identified in the Examiner's drawings as (b and c), having a dimension longer than the dimension of the first link members, identified in the Examiner's drawings as (a), such that the inner ends of the pairs of second link members (F) extend above the upper ends of the legs. At column 5, lines 33-40, Rhee only discloses that Figs. 7A through 7D show a second link member 50 "where the two rod members of a respectively different length are crossed and connected with each other, to have an ascending and descending structure." Claim 40 recites "at least one of said sides of said shelter being formed by an assembly of first and second link members of said pairs of link members, said second link members having dimensions longer than dimensions of said first link members, such that both said

connected inner ends of said pairs of first and second link members extend above the upper ends of said pair of legs when the shelter is in an extended configuration."

In Fig. 7C of Rhee, only one inner end of the second link members (a, b, c) is identified as rising above the leg members, and the other portion of link member (a) is not identified. However, by drawing a line between the tops of the legs 10, it is clear that the inner end of link member (b) is below the tops of the legs when the structure of Fig. 7C is in an extended configuration. It is also clear from Figs. 7D and 6A of Rhee that the inner end of link member (b) according to the Examiner's notation [bottom of link at the vertical line 53 in Fig. 6A] falls well below the tops of the legs. From Fig. 6A of Rhee, it is also apparent that the inner ends of the links at "G" are well below the tops of the legs. It is therefore respectfully submitted that Claims 40-42 are novel and inventive over Rhee, and that the rejection of Claims 40-42 on the grounds of anticipation by Rhee should be withdrawn.

In light of the foregoing remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

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